

S. N. 09/838,382

D.N. 0100.00

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* Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on *

* December 18, 2003 . *

* (Date) *

* Evelyn M. Rabin *

* (Name of applicant, assignee, or Registered Representative) *

* Evelyn M. Rabin December 18, 2003 *

* (Signature) (Date) *

EXHIBIT A

AMERICAN TYPE CULTURE COLLECTION
10801 University Blvd.
Manassas, VA 20110-2209
Telephone: 703-365-2700
Fax: 703-365-2745

FACSIMILE

Date: November 13, 2003

To: Dr. Harry Danforth
Fax Number: 301-504-6001


From: ATCC Patent Depository Number of pages: 1 (Including this page)

REFERENCE: Patent Deposit (Ref: Docket or Case No.: 0100.00)

Eimeria maxima: M6 assigned PTA-4959.

Date of Deposit: July 25, 2002. Paperwork will be forwarded to you in a few days. An invoice will be sent under separate cover referencing PO# 200301809 as follows:

Standard storage/informing	\$ 1,150.00
Viability Test	275.00
Total amount to PTA-4959	\$ 1,425.00


Marie Harris, Patent Specialist
ATCC Patent Depository

*** Please note: Deposit forms have been revised. Current deposit forms can be obtained from our website at www.atcc.org. Thank you.***

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TOTAL P.01

Patent
D.N. 0100.00

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re application of

Applicant: Danforth et al.

Group Art Unit: 1645
Examiner: Ja-Na Hines

Title: Production of an Immunovariant Strain
of *Eimeria maxima* Contributes to Strain
Cross-Protection with Other *Eimeria maximas*

Serial No.: 09/838,382

Docket No.: D.N. 0100.00

Filed: April 20, 2001

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Declaration Under 37 CFR 1.132

M. Aggie Fernando deposes and states:

- (1) That she is an inventor of the above-identified U.S. patent application entitled "Production of an Immunovariant Strain of *Eimeria maxima* Contributes to Strain Cross-Protection with Other *Eimeria maximas*," filed April 20, 2001 as Serial No. 09/838,382;
- (2) That she has been advised that when the original deposit is made after the effective filing date of an application for patent, according to the MPEP 2406.02, an applicant is required to submit a statement from a person in a position to corroborate that the biological material which is deposited is the biological material specifically identified in the application (the filing date of which is relied upon) as filed;
- (3) That, as required, she can corroborate that the *Eimeria maxima*-I strain,

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disclosed in the above identified U.S. patent application, was in her laboratory in the Department of Pathobiology, Ontario Veterinary College, University of Guelph, Guelph, Ontario, Canada N1G2W1, prior to the filing date for the application of April 20, 2001 until said *Eimeria maxima*-I strain was sent to the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, Va. 20110-2209 where it was deposited on July 25, 2002;

(4) That she can confirm that during the time that the *Eimeria maxima*-I strain was in her laboratory, the clonal population was stored as oocysts in the refrigerator or as sporocysts in DMSO in liquid nitrogen and that the clonal population was being expanded in chickens in a pathogen-free environment of a Level III isolation facility in order to obtain the numbers of oocysts required for deposit by the ATCC;

(5) That she can further state that the amount of time that was involved to obtain the numbers of live oocysts required by the ATCC and to obtain the necessary documentation to ship the live oocysts across the U.S./Canadian border was the reason that necessitated depositing the oocysts in July, 2002, after the filing date of April 20, 2001;

(6) That she can further state that the *Eimeria maxima*-I strain disclosed in the above identified U.S. patent application entitled "Production of an Immunovariant Strain of *Eimeria maxima* Contributes to Strain Cross-Protection with Other *Eimeria maxims*," filed April 20, 2001 as Serial No. 09/838,382 is the same as that deposited with the ATCC, 10801 University Blvd., Manassas, Va. 20110-2209 on July 25, 2002 as ATCC Number PTA-4959;

(7) That all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed Dec 12, 2003


M. Aggie Fernando

Patent
D.N. 0100.00

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re application of

Applicant: Danforth *et al.*

Group Art Unit: 1645
Examiner: Ja-Na Hines

Title: Production of an Immunovariant Strain
of *Eimeria maxima* Contributes to Strain
Cross-Protection with Other *Eimeria maximas*

Serial No.: 09/838,382

Docket No.: D.N. 0100.00

Filed: April 20, 2001

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Declaration Under 37 CFR 1.132

Harry Danforth deposes and states:

(1) That he is an inventor of the above-identified U.S. patent application entitled "Production of an Immunovariant Strain of *Eimeria maxima* Contributes to Strain Cross-Protection with Other *Eimeria maximas*," filed April 20, 2001 as Serial No. 09/838,382;

(2) That the *Eimeria maxima*-I strain disclosed in the above identified U.S. patent application, has been accepted by an International Depository Authority, the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, Va. 20110-2209 under the provisions of the Budapest Treaty on July 25, 2002 and has been deposited as ATCC accession number, PTA-4959;

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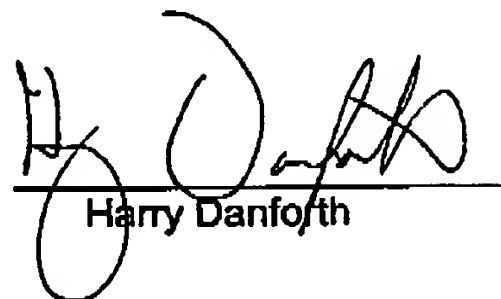
(3) That all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application;

(4) That the deposit will be replaced if viable samples cannot be dispensed by the depository;

(5) That he can further state that the *Eimeria maxima*-I strain disclosed in the above identified U.S. patent application entitled "Production of an Immunovariant Strain of *Eimeria maxima* Contributes to Strain Cross-Protection with Other *Eimeria maximas*," filed April 20, 2001 as Serial No. 09/838,382 is the same as that deposited with the ATCC, 10801 University Blvd., Manassas, Va. 20110-2209 on July 25, 2002 as ATCC Number PTA-4959;

(6) That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed December 9, 2003


Harry Danforth